

House File 223

S-3130

1 Amend House File 223, as passed by the House, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 100.1, Code 2013, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 8. To order the suspension of
7 the use of consumer fireworks, display fireworks, or
8 novelties, as described in section 727.2, if the fire
9 marshal determines that the use of such devices would
10 constitute a threat to public safety.

11 Sec. _____. Section 101A.1, subsection 3, Code 2013,
12 is amended to read as follows:

13 3. "*Explosive*" means any chemical compound, mixture
14 or device, the primary or common purpose of which is to
15 function by explosion with substantially instantaneous
16 release of gas and heat, unless such compound, mixture,
17 or device is otherwise specifically classified by
18 the United States department of transportation. The
19 term "*explosive*" includes all materials which are
20 classified as a class 1, division 1.1, 1.2, 1.3,
21 or 1.4 explosive by the United States department of
22 transportation, under 49 C.F.R. § 173.50, and all
23 materials classified as explosive materials under 18
24 U.S.C. § 841, and includes, but is not limited to,
25 dynamite, black powder, pellet powders, initiating
26 explosives, blasting caps, electric blasting caps,
27 safety fuse, fuse lighters, fuse igniters, squibs,
28 cordeau detonative fuse, instantaneous fuse, igniter
29 cord, igniters, smokeless propellant, cartridges for
30 propellant-actuated power devices, cartridges for
31 industrial guns, and overpressure devices, but does not
32 include "~~fireworks~~" as "consumer fireworks", "display
33 fireworks", or "novelties" as those terms are defined
34 in section 727.2 or ammunition or small arms primers
35 manufactured for use in shotguns, rifles, and pistols.
36 Commercial explosives are those explosives which
37 are intended to be used in commercial or industrial
38 operations.>

39 2. Page 3, after line 20 by inserting:

40 <Sec. _____. Section 331.301, Code 2013, is amended
41 by adding the following new subsection:

42 NEW SUBSECTION. 17. The board of supervisors may
43 by resolution suspend the use of consumer fireworks,
44 display fireworks, or novelties, as described in
45 section 727.2, if the board determines that the use
46 of such devices would constitute a threat to public
47 safety.

48 Sec. _____. Section 331.304, subsection 9, Code 2013,
49 is amended to read as follows:

50 9. The board, upon application, may grant permits

1 for the display of consumer fireworks, display
2 fireworks, and novelties as provided in section 727.2.
3 Sec. ____. Section 364.2, Code 2013, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 6. A city council may by
6 resolution suspend the use of consumer fireworks,
7 display fireworks, or novelties, as described in
8 section 727.2, if the city council determines that the
9 use of such devices would constitute a threat to public
10 safety.
11 Sec. ____. Section 461A.42, subsection 2, Code 2013,
12 is amended to read as follows:
13 2. The use of consumer fireworks, display
14 fireworks, and novelties, as defined in section 727.2,
15 in state parks and preserves is prohibited except as
16 authorized by a permit issued by the department. The
17 commission shall establish, by rule adopted pursuant
18 to chapter 17A, a fireworks permit system which
19 authorizes the issuance of a limited number of permits
20 to qualified persons to use or display fireworks in
21 selected state parks and preserves.
22 Sec. ____. Section 727.2, Code 2013, is amended to
23 read as follows:
24 **727.2 Fireworks.**
25 1. For purposes of this section:
26 a. "Consumer fireworks" includes all consumer
27 fireworks enumerated in chapter 3 of the American
28 pyrotechnics association's standard 87-1, and that
29 comply with the labeling regulations promulgated by the
30 United States consumer product safety commission.
31 b. The term "fireworks" "Display fireworks" includes
32 any explosive composition, or combination of explosive
33 substances, or article prepared for the purpose of
34 producing a visible or audible effect by combustion,
35 explosion, deflagration, or detonation, and includes
36 blank cartridges, firecrackers, torpedoes, skyrockets,
37 roman candles, or other fireworks of like construction
38 and fireworks containing any explosive or flammable
39 compound, or other device containing any explosive
40 substance. The term "fireworks" "Display fireworks"
41 does not include goldstar-producing sparklers on wires
42 which contain no magnesium or chlorate or perchlorate,
43 flitter sparklers in paper tubes that do not exceed
44 one-eighth of an inch in diameter, toy snakes which
45 contain no mercury, or caps used in cap pistols
46 novelties or consumer fireworks enumerated in chapter
47 3 of the American pyrotechnics association's standard
48 87-1.
49 c. "Novelties" includes all novelties enumerated in
50 chapter 3 of the American pyrotechnics association's

1 standard 87-1, and that comply with the labeling
2 regulations promulgated by the United States consumer
3 product safety commission.

4 2. A person, firm, partnership, or corporation who
5 offers for sale, exposes for sale, sells at retail,
6 or uses or explodes any display fireworks, commits
7 a simple misdemeanor. ~~In addition to any other~~
8 ~~penalties, the punishment imposed for a violation of~~
9 ~~this section shall include assessment of, punishable~~
10 by a fine of not less than two hundred fifty dollars.
11 ~~However, the a city council of a city or a county~~
12 ~~board of supervisors may, upon application in writing,~~
13 ~~grant a permit for the display of display fireworks by~~
14 ~~municipalities, fair associations, amusement parks,~~
15 ~~and other organizations or groups of individuals~~
16 ~~approved by the city or the county board of supervisors~~
17 ~~when the display fireworks display will be handled~~
18 ~~by a competent operator, but no such permit shall be~~
19 ~~required for the display of display fireworks at the~~
20 ~~Iowa state fairgrounds by the Iowa state fair board,~~
21 ~~at incorporated county fairs, or at district fairs~~
22 ~~receiving state aid. Sales of display fireworks for~~
23 ~~such display may be made for that purpose only.~~

24 3. a. A person who uses or explodes display
25 fireworks while the use of such devices is suspended
26 by a resolution adopted by the county or city in which
27 the firework is used commits a simple misdemeanor,
28 punishable by a fine of not less than two hundred fifty
29 dollars.

30 b. A person who uses or explodes display fireworks
31 while the use of such devices is suspended by an order
32 of the state fire marshal commits a simple misdemeanor,
33 punishable by a fine of not less than two hundred fifty
34 dollars.

35 4. a. A person who is at least eighteen years of
36 age or a firm, partnership, or corporation may possess
37 or transfer, offer for sale, expose for sale, or sell
38 at retail to a person who is eighteen years of age
39 or older novelties or consumer fireworks. During the
40 period beginning June 1 and ending August 1 each year,
41 and the period beginning December 15 and ending January
42 3 each year, a person who is eighteen years of age or
43 older may, without a permit, use or explode novelties
44 or consumer fireworks. However, a city council or a
45 county board of supervisors may, upon application in
46 writing, grant a permit for the display of novelties
47 or consumer fireworks during other times of the year
48 by municipalities, fair associations, amusement parks,
49 and other organizations or groups of individuals
50 approved by the city council or the county board of

1 supervisors when the novelties or consumer fireworks
2 will be handled by a competent operator, but no such
3 permit shall be required for the display of novelties
4 or consumer fireworks at the Iowa state fairgrounds
5 by the Iowa state fair board, at incorporated county
6 fairs, or at district fairs receiving state aid.

7 b. A person, firm, partnership, or corporation who
8 transfers or sells novelties or consumer fireworks to
9 a person who is less than eighteen years of age commits
10 a simple misdemeanor, punishable by a fine of not less
11 than two hundred fifty dollars. A person who is less
12 than eighteen years of age who purchases, possesses,
13 uses, or explodes novelties or consumer fireworks
14 commits a simple misdemeanor, punishable by a fine of
15 not less than two hundred fifty dollars.

16 c. (1) A person who uses or explodes novelties
17 or consumer fireworks while the use of such devices
18 is suspended by a resolution adopted by the county or
19 city in which the firework is used commits a simple
20 misdemeanor, punishable by a fine of not less than two
21 hundred fifty dollars.

22 (2) A person who uses or explodes novelties or
23 consumer fireworks while the use of such devices is
24 suspended by an order of the state fire marshal commits
25 a simple misdemeanor, punishable by a fine of not less
26 than two hundred fifty dollars.

27 3. 5. a. This section does not prohibit the sale
28 by a resident, dealer, manufacturer, or jobber of such
29 fireworks as are not prohibited by this section, or
30 the sale of any kind of fireworks if they are to be
31 shipped out of the state, or the sale or use of blank
32 cartridges for a show or the theater, or for signal
33 purposes in athletic sports or by railroads or trucks,
34 for signal purposes, or by a recognized military
35 organization.

36 b. This section does not apply to any substance
37 or composition prepared and sold for medicinal or
38 fumigation purposes.

39 c. This section does not apply to
40 goldstar-producing sparklers on wires which contain no
41 magnesium or chlorate or perchlorate, flitter sparklers
42 in paper tubes that do not exceed one-eighth of an inch
43 in diameter, toy snakes which contain no mercury, or
44 caps used in cap pistols.>

45 3. Title page, line 1, by striking <concerning>
46 and inserting <relating to fireworks and explosives
47 including the possession, sale, transfer, purchase, and
48 use of fireworks, and the>

49 4. Title page, line 2, after <explosives> by
50 inserting <, and providing penalties>

1 5. By renumbering as necessary.

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